

HILL, BETTS & NASH LLP  
 Gregory O'Neill (GON-1944)  
 Francis W. Turner (FWT-5174)  
 Attorneys for Defendants  
*VESSEL MANAGEMENT SERVICES, INC.,*  
*and INTREPID PERSONNEL AND PROVISIONS,*  
*s/h/a INTREPID SHIP MANAGEMENT, INC.*  
 One World Financial Center  
 200 Liberty Street  
 New York, New York 10281  
 (212) 839-7000

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X	
BRIAN McLARNON	: 08 CV. 03375
	:
Plaintiff	:
	:
VERSUS	: <b><u>ANSWER TO</u></b>
	: <b><u>AMENDED COMPLAINT</u></b>
	:
INTREPID PERSONNEL & PROVISIONING	:
INC. VESSEL MANAGEMENT SERVICES	:
INC.	:
	:
Defendants	:
-----X	

Defendants, Intrepid Personnel & Provisioning Inc. and Vessel Management Services Inc. (hereinafter "Responding Defendants"), by and through their attorneys Hill, Betts & Nash LLP, as and for their Answer to the Amended Complaint of Plaintiff, Brian McLarnon, respectfully allege upon information and belief as follows:

1. Admit the allegations contained in paragraph 1 of the Complaint.
2. Admit the allegations contained in paragraph 2 of the Complaint.
3. Admit the allegations contained in paragraph 3 of the Complaint.
4. Admit the allegations contained in paragraph 4 of the Complaint.

5. Deny the allegations contained in paragraph 5 of the Complaint and respectfully refers all questions of law to the Court.

6. Deny the allegations contained in paragraph 6 of the Complaint and respectfully refers all questions of law to the Court.

7. Deny the allegations contained in paragraph 7 of the Complaint and respectfully refers all questions of law to the Court.

8. Deny the allegations contained in paragraph 8 of the Complaint.

9. Deny the allegations contained in paragraph 9 of the Complaint.

10. Deny the allegations contained in paragraph 10 of the Complaint.

11. Deny the allegations contained in paragraph 11 of the Complaint.

12. Deny the allegations contained in paragraph 12 of the Complaint.

13. Deny the allegations contained in paragraph 13 of the Complaint.

**AS AND FOR A FIRST (AFFIRMATIVE) DEFENSE**

14. The Complaint fails to state a claim upon which relief may be granted.

**AS AND FOR A SECOND (AFFIRMATIVE) DEFENSE**

15. Plaintiff claims are formed, in whole or in part, by his failure to take all reasonable steps to mitigate his damages.

**AS AND FOR A THIRD (AFFIRMATIVE) DEFENSE**

16. Plaintiff claims are formed, in whole or in part, by his failure to take all reasonable steps to mitigate his damages.

**AS AND FOR A FOURTH (AFFIRMATIVE) DEFENSE**

17. Whatever injuries plaintiff may have sustained at the time and place alleged in the Complaint were caused solely, or contributed to, by acts or omissions of third parties over whom these answering defendants exercised no control.

**AS AND FOR A FIFTH (AFFIRMATIVE) DEFENSE**

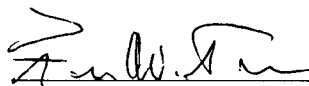
18. If there is found to be any liability on the part of Responding Defendants, which is denied, then Responding Defendants claim the benefits of provisions of the Shipowner's Limitation of Liability Statutes 46 USC §181 *et. seq.*

**WHEREFORE** Responding Defendants, Intrepid Personnel & Provisioning Inc. and Vessel Management Services Inc. respectfully requested that the instant action be dismissed in its entirety, together with any and all further relief that this Court may deem just and proper.

Dated: New York, New York  
June 6, 2008

HILL, BETTS & NASH LLP

By:



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Gregory O'Neill (GON-1944)

Francis W. Turner (FWT-5174)

Attorneys for Defendants

*VESSEL MANAGEMENT SERVICES, INC.,*

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